



Mayor, *Serafino J. Nolletti*
 Councilman, *Howard Jemerison*
 Councilman, *Basil Ken Lee*
 Councilman, *Donsil Jay Mullins*
 Councilwoman, *Donna Willis*
 Councilman, *Josh Keno Muncy*
 City Attorney, *Kendal Partlow*
 City Clerk, *Amber Miller*

Fire Chief, *Scott Beckett*
 Police Chief, *PD Clemens*
 Street Commission, *Kevin Marcum*
 Sanitary Board, *Herbert Staten*
 Code Enforcement, *Scott Beckett*
 Assistant City Clerk, *Stephanie Avis*
 Water Board, *Carol Conley*
 City Accountant, *Jeff Vallet*

219 Dingess Street Logan, WV 25601 ~ Phone: (304) 752-4044

MAYOR SERAFINO J. NOLLETTI

HOME RULE PLAN

SECTION 1: APPLICANT INFORMATION	
Type of Submission: <i>Initial Plan</i>	
Name of Municipality: <i>City of Logan</i>	
Certifying Official: <i>Serafino J. Nolletti</i>	Title: <i>Mayor</i>
Contact Person: <i>Amber Miller</i>	Title: <i>City Clerk</i>
Address: <i>219 Dingess Street Logan, WV 25601</i>	
Telephone Number: <i>304-752-4044</i>	
Fax Number: <i>304-752-9316</i>	
Municipal Classification: <i>Class III</i>	



Thank you for considering the City of Logan for inclusion in the Home Rule Program.

Mayor: Serafino J. Nolletti

Council: Donna Willis, Josh Muncy, Jay Mullins, Ken Lee, Howard Jemerison

City Clerk: Amber Miller Staff: Jenny Vance, Stephanie Avis, Anna Butcher

Attorney: Kendal Partlow Accountant: Jeff Vallet

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MAYOR SERAFINO J. NOLLETTI

HOME RULE APPLICATION PLAN CHECKLIST

Class II Legal advertisement of Public Hearing

Dates: October 2nd, 9th and 16th – in the Logan Banner, Section 3.

Notice of Public Hearing to Municipal Home Rule Board (MHRB) and Cabinet Secretary of every State Department. Mailed September 26th, 2019. Please see attachment of copies of all letters. Section 3.

Plan available for public inspection 30 days prior to public hearing. Done.

Hearing: November 12th, 2019 - Minutes attached, Sign In Sheet attached.
No public comments made. Professional transcriptionist provided minutes. Section 3.

Ordinance authorizing plan or amendment.

First Reading: October 3rd, 2019 Second Reading: November 12th, 2019
Date of Adoption: November 12th, 2019, Section 2.

Required narrative presentation: See attached, section 2.

ATTACHMENTS – ALL INCLUDED IN SECTION 3

- **Affidavit of legal notice of Public Hearing**
- **Minutes of Public Hearing**
- **Certified copy of ordinance authorizing plan or amendment**
- **Fiscal statement demonstrating municipality's ability to manage costs of liabilities associated with proposals**
- **Affidavit that municipality owes no outstanding State fees**
- **Attorney opinion letter that application and plan or amendment complies with applicable State Law**

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MAYOR SERAFINO J. NOLLETTI

HOME RULE PLAN SECTION 2



NARRATIVE

Mayor, Serafino J. Nolletti
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Councilman, Basil Ken Lee
Councilman, Donsil Jay Mullins
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MAYOR SERAFINO J. NOLLETTI

HOME RULE APPLICATION

1. Impose a 1% Sales Tax and Reduce or Eliminate Selected Business and Occupation Tax Categories

Issue Category: Tax

The City of Logan seeks to restructure its business tax structure, reducing and eliminating some classes of the Business and Occupation Tax and instituting a 1% sales tax in order to increase revenues for public safety operations. This new business tax structure will be fairer and more standardized, and similar to those in adjacent communities in neighboring states.

Specific Legal Barrier

9-13C-4

Problem caused by Legal Barrier

The City of Logan has a very small residential tax base and yet, being a town on a busy highway, provides service to a much larger population including the neighboring state of Kentucky and we also house the Fountainplace Mall that attracts residents from all different areas in Southern, WV. Presently, the City is only able to generate revenue via taxation by imposing a municipal business (B&O) tax or by imposing a sales tax; WV State Code requires that the two taxes be mutually exclusive. WV Code 8-13C-1 et seq. contemplates the imposition of a sales tax by municipalities either for pension relief or as an "alternative municipal sales tax" at a rate not to exceed one percent. However, a municipality may only impose such a sales tax if it completely eliminates it's B&O tax. WV Code 8-13C-4(b).

Proposed Solution

The City of Logan proposes to impose a municipal sales tax of up to 1% on all taxable sales under the West Virginia Code within the City. At the same time, it will eliminate B&O tax on selected categories – primarily retailers and restaurants – that would be subject to the sales tax. The increase in annual revenue based on this plan would be \$980,000.00. (see Section III-D: Fiscal Impact Worksheets and Formulas).

Increased revenues would go to provide key municipal services, including but not limited to: \

- City of Logan Fire and Police Pension funding.
- City of Logan infrastructure development and demolition of abandoned structures deemed unsafe; and
- City of Logan matching grants program to enhance the City of Logan as a whole on various projects that require a partial match, which the City cannot afford out of current operational funds; and
- City of Logan Fairs, Festivals and Tourism events; and
- Growth and financial security for the City of Logan employees to aide in earned raises and funding of Health Insurance.

The vast majority of WV municipalities accepted into the Home Rule Program have proposed this business tax restructuring in one form or another, and it appears to be meeting with widespread acceptance and success.

D. Fiscal Impact Worksheets and Formulas
Issue 1: New Sales Tax and Business and Occupation Tax Restructuring
Prepared by City Accountant Jeff Vallet using samples of our largest vendors.

Business Taxes Collected by Business, using samples of our largest vendors and our 2018 FY Estimates. Four must be eliminated by State Code.

In the proposed Home Rule Plan for the City of Logan, Business and Occupation (B&O) would be eliminated:

- *Completely eliminated in manufacturing. We feel by eliminating the manufacturing tax, we will be in the position to attract industry to our area and create much needed opportunities for employment.*
- *A reduction in Retailers and Restaurants (from .45 to .43) creating a \$15,400.00, drop in revenue based on our samples. We feel that by reducing this tax, we are giving our valued businesses room to grow, hire expand, market and allow additional revenue for them to engage employment.*
- *A reduction in Wholesalers (from .14 to .07) creating a \$3,200.00 drop in revenue, based on our samples. We feel that by giving wholesalers a reduction, we are allowing a wider range of selection for our businesses to distribute more desired products – therefore, creating a larger market.*
- *A reduction in Services and All Other Business (.90 to .87) creating a \$4,500.00 drop in revenue, based on our samples. This overall reduction will help so many of our independent contractors and independent business people, such as beauticians and independent contractors – which are some of our hardest working and most valued people a reduction to grow and maintain their services and be able to expand their business.*

An additional 1% Sales and Use Tax would be implemented on those categories currently affected by the 6% WVVa. State Sales and Use Tax. NOTE: Estimates below are based on samples from our largest vendors and 2018 FY Estimates.

A total of \$24,000.00 drop in revenue.

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MAYOR SERAFINO J. NOLLETTI

HOME RULE ORDINANCE

An Ordinance pursuant to the provisions of the W.Va. Code 8-1-5a, authorizing the City of Logan to submit a written Home Rule proposal to the Municipal Home Rule Board in order to permit participation by the City of Logan in the Municipal Home Rule Program.

AUTHORIZATION TO SUBMIT A WRITTEN HOME RULE PROPOSAL

WHEREAS, in 2007, the West Virginia Legislature enacted WV Code 8-1-5a, known as the Municipal Home Rule Pilot Program; and

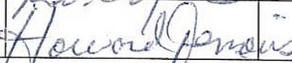
WHEREAS, in 2019, the Municipal Home Rule Pilot Program was made a permanent program, with provisions to add four Class IV municipalities to the program each year; and

WHEREAS, the participation in the Home Rule Program by The City of Logan, a Class IV municipality, would give the City unique flexibility to apply local solutions to local problems, benefitting the greater community, including residents, visitors and businesses.

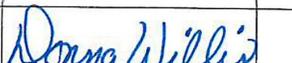
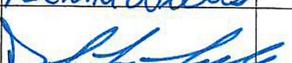
NOW, THEREFORE, BE IT ENACTED BY THE CITY OF LOGAN THAT the Mayor is hereby authorized and directed to submit a Home Rule proposal to the Municipal Home Rule Board on November 13th, 2019, in accordance with WV Code 8-1-5a in order for the City of Logan to be considered for inclusion in the program as a Class IV municipality during the Fiscal Year 2019-2020.

This Ordinance shall become effective upon passage after second reading and public hearing.

Passed on first reading, October 4th, 2019.

FIRST READING	FOR	AGAINST	ABSTAIN	ABSENT
Councilman Josh Muncy				
Councilwoman Donna Willis				
Councilman Jay Mullins				
Councilman Ken Lee				
Councilman Howard Jemerson				

Passed on second reading and public hearing, November 12th, 2019

SECOND READING	FOR	AGAINST	ABSTAIN	ABSENT
Councilman Josh Muncy				
Councilwoman Donna Willis				
Councilman Jay Mullins				
Councilman Ken Lee				
Councilman Howard Jemerson				

The undersigned Mayor of the City of Logan does hereby certify that the foregoing amendment was adopted by the majority of Council on the first reading on October 4th, 2019 and upon the second reading and public hearing on November 12th, 2019.


 Serafino J. Nofletti
 Mayor of Logan


 Amber Miller
 City Clerk/Preparer of Home Rule Ordinance & Application


 Kendal Partlow
 City of Logan Attorney

Motion 1st

2nd -
 Motion - Donna
 2nd - Ken



Mayor, Serafino J. Nollezzi
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FIRST READING OF AMENDMENT TO THE CITY OF LOGAN CITY CODE, B&O TAX RATES SECTION 14

AMENDMENT TO THE LOGAN CITY CODE SECTION 14 CONCERNING GROSS SALES VALUE OF MANUFACTURED PRODUCTS; GROSS INCOME OF WHOLESALERS; SERVICE & ALL OTHER BUSINESS GROSS INCOME TO REFLECT PERCENTAGE CHANGES TO ALIGN WITH HOME RULE SALES TAX REDUCTION AND IMPLEMENTATION

1. Eliminating the Gross Sales Value Manufactured Products Entirely.
2. Gross Income Of Wholesalers from .14 to .07, reducing it in half.
3. Service and All Other Business from .90 to .87

This Ordinance shall become effective upon passage after second reading and public hearing.

Passed on first reading, November 4th, 2019

FIRST READING	FOR	AGAINST	ABSTAIN	ABSENT
Councilman Josh Muncy	<i>Josh Muncy</i>			
Councilwoman Donna Willis	<i>Donna Willis</i>			
Councilman Jay Mullins	<i>Jay Mullins</i>			
Councilman Ken Lee	<i>Ken Lee</i>			
Councilman Howard Jemerson	<i>Howard Jemerson</i>			

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Serafino J. Nollezzi

Serafino J. Nollezzi
 Mayor of Logan

Amber Miller

Amber Miller
 City Clerk/Preparer of Home Rule Ordinance & Application

Kendal E. Partlow

Kendal Partlow
 City of Logan Attorney



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AMENDMENT TO THE LOGAN CITY CODE SECTION 14 CONCERNING GROSS SALES VALUE OF MANUFACTURED PRODUCTS; GROSS INCOME OF WHOLESALERS; SERVICE & ALL OTHER BUSINESS GROSS INCOME TO REFLECT PERCENTAGE CHANGES TO ALIGN WITH HOME RULE SALES TAX REDUCTION AND IMPLEMENTATION.
THIS SECOND READING WILL REFLECT THAT THIS AMENDMENT DOES NOT GO INTO EFFECT UNTIL JULY 1, 2020.

1. Eliminating the Gross Sales Value Manufactured Products Entirely.
2. Gross Income Of Wholesalers from .14 to .07, reducing it in half.
3. Service and All Other Business from .90 to .87

This Ordinance shall become effective upon passage after second reading and public hearing and go into effect July 1, 2020.

Passed on second reading, November 12th, 2019

SECOND READING	FOR	AGAINST	ABSTAIN	ABSENT
Councilman Josh Muncy				
Councilwoman Donna Willis	<i>Donna Willis</i>			
Councilman Jay Mullins	<i>Jay Mullins</i>			
Councilman Ken Lee	<i>Ken Lee</i>			
Councilman Howard Jemersion	<i>Howard Jemersion</i>			

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Serafino J. Nolletti

Serafino J. Nolletti
 Mayor of Logan

Amber Miller
Amber Miller

City Clerk/Preparer of Home Rule Ordinance & Application

Kendal E. Partlow
Kendal Partlow
 City of Logan Attorney

Motion - Ken

2nd - Donna

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MAYOR SERAFINO J. NOLLETTI

HOME RULE PLAN SECTION 3

1. Completed Plan & Checklist
2. Affidavit of legal advertisement providing notice of public hearing
3. Minutes of public hearing, including comments (if any).
4. Copy of adopted ordinance authorizing submission of plan to Municipal Home Rule Board.
5. Fiscal statement demonstrating municipality's ability to manage costs or liabilities associated with proposal.
6. Affidavit of authorized municipality representative that municipality owes no outstanding State fees.
7. Attorney opinion letter stating that application and plan complies with applicable State Law.



Ad Number 79975

Affidavit of Legal Publication and Posting

STATE OF WEST VIRGINIA

COUNTY OF Logan, TO-WIT

I Shirley Watson Classified Advertising

Representative of The Logan Banner, a newspaper published in the county of Logan, West Virginia, hereby

certify that the annexed publication was inserted in said newspaper Logan-Banner

The cost of publishing said annexed advertisement

as aforesaid was \$ 37.20

Commencing On: 10/02/2019

Ending On: 10/16/2019

Given under my hand this day 10/16/2019

Sworn to and subscribed before me 10/16/2019

at Logan, Logan County, West Virginia

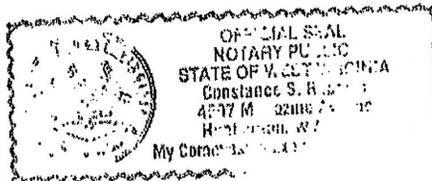
Constance P. Rappold

Notary Public of, in and for Logan County, West Virginia

MY COMMISSION EXPIRES:

July, 2022

Shirley Watson



NOTICE

Notice is hereby given that a Public Hearing will be held at the regular meeting of the City Council on November 12th, 2019 at 4pm in City of Logan on the Building on the Home Rule Ordinance authorizing the submission of the City's Home Rule Plan to the West Virginia Municipal Home Rule Board. Interested parties may appear at the Public Hearing and be heard and the City's proposed Home rule Plan. A copy of the plan and the proposed Home Rule Plan may be inspected in the City Clerk's Office beginning October 13th between the hours of 1pm-3pm Monday through Friday.

LH-79975
10-2,9,16-19

Acc.Id: 50097
Name: CITY OF LOGAN
Phone: 304-752-1272
Address: PO BOX 807
City: LOGAN
State: WV
Postcode: 25601
Class: 9010 Legal Notices
Edition: LOG LOG LOG
Start: 10/02/2019
Stop: 10/16/2019
Issues: 3
Units 31.00
Order ID: HC 79975
TFN: C
TFN cycle:
Rep: SAWATSON
Status: OK
Source: EM
Paytype: BI
Rate: LG
Cost EXC 37.20
GST:
Tax: 0.00
Total Charge: 37.20
Printed on: 10/09/2019 14:26:17
Printed by: SAWATSON

Legal Notices
IN THE FAMILY COURT OF LOGAN COUNTY, WEST VIRGINIA
JACOB STARR
HAMILTON DRIVE
WHITMAN, WV
25657

Magnolia Court
Case No. 19-03038
Family Court
Case No. 19-03038

ORDER OF PUBLICATION
Protective Order/ Hearing Date
The object of this publication is to give notice to all interested parties in the above captioned matter. The hearing is set for the 22nd day of October, 2019, at 11:00 AM in the Family Court, Logan County, West Virginia.

TO THE ABOVE NAMED RESPONDENT:
You are hereby notified that the hearing is set for the 22nd day of October, 2019, at 11:00 AM in the Family Court, Logan County, West Virginia.

ORDER OF PUBLICATION
Protective Order/ Hearing Date

IN THE FAMILY COURT OF LOGAN COUNTY, WEST VIRGINIA
C-1015 (FAMV) (L) (L) (L)

ORDER OF PUBLICATION
Protective Order/ Hearing Date

NOTICE
Notice is hereby given that the hearing is set for the 22nd day of October, 2019, at 11:00 AM in the Family Court, Logan County, West Virginia.

Legal Notices
Public Hearing and the City of Logan, West Virginia.

NOTICE
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WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
Division of Highways
Aero Dilipak, P.E.
Assistant State Highway Engineer
Planning and Programming
LH-80192
10/9/2019

NOTICE
WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
Division of Highways
NOTICE TO CONTRACTORS

CONTRACT
19-01761

STATE PROJECT:
S1281190

FEDERAL PROJECT:
N09-019745D

DESCRIPTION
Aerial Photo
Mingo Co. Logansport, W. Va. 26043
Area: 1.00 sq. mi.
Scale: 1" = 1.00 mi.
End: 10/22/2019

ORDER OF PUBLICATION
Protective Order/ Hearing Date

Legal Notices
The West Virginia Department of Transportation, Division of Highways

ORDER OF PUBLICATION
Protective Order/ Hearing Date

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
Division of Highways
Aero Dilipak, P.E.
Assistant State Highway Engineer
Planning and Programming
LH-80192
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ORDER OF PUBLICATION
Protective Order/ Hearing Date

Legal Notices
ORDER OF PUBLICATION
IN THE CIRCUIT COURT OF LOGAN COUNTY, WEST VIRGINIA

ORDER OF PUBLICATION
Protective Order/ Hearing Date

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
Division of Highways
Aero Dilipak, P.E.
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Planning and Programming
LH-80192
10/9/2019

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Division of Highways
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Legal Notices
Known address of 1111 West Virginia, 25021

ORDER OF PUBLICATION
Protective Order/ Hearing Date

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
Division of Highways
Aero Dilipak, P.E.
Assistant State Highway Engineer
Planning and Programming
LH-80192
10/9/2019

NOTICE
WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
Division of Highways
NOTICE TO CONTRACTORS

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Protective Order/ Hearing Date

Legal Notices
STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER AND WASTE MANAGEMENT

PUBLIC NOTICE
WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER AND WASTE MANAGEMENT

APPLICATION FOR A WEST VIRGINIA NATIONAL POLLUTANT DISCHARGE INFORMATION SYSTEM WATER POLLUTION CONTROL PERMIT
Public Notice No. 19-0119
Public Notice Date: Oct 16, 2019

LOCATION MAP
Aerial Photo
Mingo Co. Logansport, W. Va. 26043
Area: 1.00 sq. mi.
Scale: 1" = 1.00 mi.
End: 10/22/2019

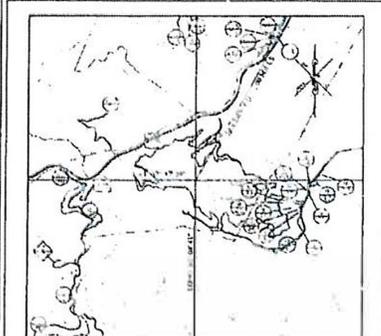
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LOCATION MAP
Aerial Photo
Mingo Co. Logansport, W. Va. 26043
Area: 1.00 sq. mi.
Scale: 1" = 1.00 mi.
End: 10/22/2019

ADVERTISMENT
RANOLD INDUSTRIES, LLC, 218 W. MAIN ST., SUITE 100, LOGAN, WV 26043
426.34 notes and has submitted an application to the DEP for a permit to discharge into the Mingo River.

CONTRACT
19-01761

STATE PROJECT:
S1281190

FEDERAL PROJECT:
N09-019745D

DESCRIPTION
Aerial Photo
Mingo Co. Logansport, W. Va. 26043
Area: 1.00 sq. mi.
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426.34 notes and has submitted an application to the DEP for a permit to discharge into the Mingo River.

Sell Your Unwanted Items Fast!
LET THE CLASSIFIEDS WORK FOR YOU
To advertise your classified in The Herald-Dispatch 304-526-4002
To advertise your classified in the Wayne County News 304-526-4002

Ad Number 79975

Affidavit of Legal Publication and Posting

STATE OF WEST VIRGINIA

COUNTY OF Logan, TO-WIT

Shirley Watson Classified Advertising

Representative of The Logan Banner, a newspaper published in the county of Logan, West Virginia, hereby

certify that the annexed publication was inserted in said newspaper Logan-Banner

The cost of publishing said annexed advertisement

as aforesaid was \$ 37.20

Commencing On: 10/02/2019

Ending On: 10/16/2019

Given under my hand this day 10/16/2019

Sworn to and subscribed before me 10/16/2019

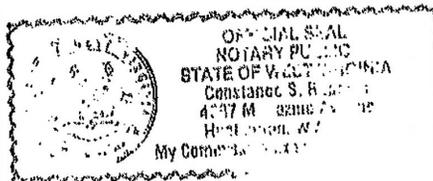
at Logan, Logan County, West Virginia

Constance P. Rappold

Notary Public of, in and for Logan County, West Virginia

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Shirley Watson



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LH-79975
10-2,9,16-19

Acc.Id: 60097
Name: CITY OF LOGAN
Phone: 304-752-1272
Address: PO BOX 807
City: LOGAN
State: WV
Postcode: 26601
Class: 9010 Legal Notices
Edition: LOG LOG LOG
Start: 10/02/2019
Stop: 10/16/2019
Issues: 3
Units 31.00
Order ID: HC 79975
TFN: C
TFN cycle:
Rep: SAWATSON
Status: OK
Source: EM
Paytype: BI
Rate: LG
Cost EXC 37.20
GST:
Tax: 0.00
Total Charge: 37.20
Printed on: 10/09/2019 14:25:17
Printed by: SAWATSON



Mayor, *Serafino J. Nolletti*
Councilman, *Howard Jemerson*
Councilman, *Basil Ken Lee*
Councilman, *Donsil Jay Mullins*
Councilwoman, *Donna Willis*
Councilman, *Josh Keno Muncy*
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Water Board, *Carol Conley*
City Accountant, *Jeff Vallet*

219 Dingess Street Logan, WV 25601 ~ Phone: (304) 752-4044

MAYOR SERAFINO J. NOLLETTI

NOTICE OF PUBLIC HEARING

September 26th, 2019

Department of Revenue
Chairman of the Home Rule Board
Dave Hardy, Secretary
West Virginia Municipal Home Rule Board
1900 Kanawha Blvd East
Building 1, W-300
Charleston, WV 25305

Dear Secretary Hardy,

Notice is hereby given that a Public Hearing will be held at the Regular Meeting of the City Council of Logan on November 12th 2019 at 4pm in the City of Logan Building on the Home Rule Ordinance authorizing the submission of the City's Home Rule Plan to the West Virginia Municipal Home Rule Board. Interested parties may appear at the meeting and be heard on the City's proposed Home Rule Plan. A copy of the proposed Home Rule Plan may be inspected in the City Clerk's Office beginning October 13th, 2019 between the hours of 1-3pm, Monday – Friday.

Legal Code for published advertisement in the legal section of the Logan Banner is:
LH79975/10-2,9, 16-19

Thank you for your dedication to the State of West Virginia and your commitment to stronger cities and towns for our state.

Sincerely,

Serafino J. Nolletti
Mayor
President of the WV Municipal League

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MAYOR SERAFINO J. NOLLETTI

NOTICE OF PUBLIC HEARING

September 26th, 2019

**Department of Transportation
West Virginia Department of Transportation
Byrd E. White, III, Secretary
1900 Kanawha Blvd East
Building 5
Charleston, WV 25305**

Dear Secretary White,

Notice is hereby given that a Public Hearing will be held at the Regular Meeting of the City Council of Logan on November 12th 2019 at 4pm in the City of Logan Building on the Home Rule Ordinance authorizing the submission of the City's Home Rule Plan to the West Virginia Municipal Home Rule Board. Interested parties may appear at the meeting and be heard on the City's proposed Home Rule Plan. A copy of the proposed Home Rule Plan may be inspected in the City Clerk's Office beginning October 13th, 2019 between the hours of 1-3pm, Monday – Friday.

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MAYOR SERAFINO J. NOLLETTI

NOTICE OF PUBLIC HEARING

September 26th, 2019

Department of Administration
West Virginia Department of Administration
Allan McVey, Secretary
 1900 Kanawha Blvd East
 Building 1, E-119
 Charleston, WV 25305

Dear Secretary McVey,

Notice is hereby given that a Public Hearing will be held at the Regular Meeting of the City Council of Logan on November 12th 2019 at 4pm in the City of Logan Building on the Home Rule Ordinance authorizing the submission of the City's Home Rule Plan to the West Virginia Municipal Home Rule Board. Interested parties may appear at the meeting and be heard on the City's proposed Home Rule Plan. A copy of the proposed Home Rule Plan may be inspected in the City Clerk's Office beginning October 13th, 2019 between the hours of 1-3pm, Monday – Friday.

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MAYOR SERAFINO J. NOLLETTI

NOTICE OF PUBLIC HEARING

September 26th, 2019

**Department of Commerce
West Virginia Department of Commerce
C. Edward Gaunch, Secretary
1900 Kanawha Blvd East
Building 3, Suite 600
Charleston, WV 25305**

Dear Secretary Gaunch,

Notice is hereby given that a Public Hearing will be held at the Regular Meeting of the City Council of Logan on November 12th 2019 at 4pm in the City of Logan Building on the Home Rule Ordinance authorizing the submission of the City's Home Rule Plan to the West Virginia Municipal Home Rule Board. Interested parties may appear at the meeting and be heard on the City's proposed Home Rule Plan. A copy of the proposed Home Rule Plan may be inspected in the City Clerk's Office beginning October 13th, 2019 between the hours of 1-3pm, Monday – Friday.

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MAYOR SERAFINO J. NOLLETTI

NOTICE OF PUBLIC HEARING

September 26th, 2019

**Department of Veterans Assistance
West Virginia Department of Veterans Assistance**

Dennis Davis, Secretary

1900 Kanawha Blvd East
Building 5, Room 205
Charleston, WV 25305

Dear Secretary Davis,

Notice is hereby given that a Public Hearing will be held at the Regular Meeting of the City Council of Logan on November 12th 2019 at 4pm in the City of Logan Building on the Home Rule Ordinance authorizing the submission of the City's Home Rule Plan to the West Virginia Municipal Home Rule Board. Interested parties may appear at the meeting and be heard on the City's proposed Home Rule Plan. A copy of the proposed Home Rule Plan may be inspected in the City Clerk's Office beginning October 13th, 2019 between the hours of 1-3pm, Monday – Friday.

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MAYOR SERAFINO J. NOLLETTI

NOTICE OF PUBLIC HEARING

September 26th, 2019

**Department of Health and Human Resources
West Virginia Department of Health and Human Resources
Bill J. Crouch, Secretary
One Davis Square, Suite 100 East
Charleston, WV 25301**

Dear Secretary Crouch,

Notice is hereby given that a Public Hearing will be held at the Regular Meeting of the City Council of Logan on November 12th 2019 at 4pm in the City of Logan Building on the Home Rule Ordinance authorizing the submission of the City's Home Rule Plan to the West Virginia Municipal Home Rule Board. Interested parties may appear at the meeting and be heard on the City's proposed Home Rule Plan. A copy of the proposed Home Rule Plan may be inspected in the City Clerk's Office beginning October 13th, 2019 between the hours of 1-3pm, Monday – Friday.

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MAYOR SERAFINO J. NOLLETTI

NOTICE OF PUBLIC HEARING

September 26th, 2019

**Department of Military Affairs and Public Safety
West Virginia Department of Military Affairs and Public Safety**

Jeff Sandy, Secretary
1900 Kanawha Blvd East
Building 1, W-400
Charleston, WV 25305

Dear Secretary Sandy,

Notice is hereby given that a Public Hearing will be held at the Regular Meeting of the City Council of Logan on November 12th 2019 at 4pm in the City of Logan Building on the Home Rule Ordinance authorizing the submission of the City's Home Rule Plan to the West Virginia Municipal Home Rule Board. Interested parties may appear at the meeting and be heard on the City's proposed Home Rule Plan. A copy of the proposed Home Rule Plan may be inspected in the City Clerk's Office beginning October 13th, 2019 between the hours of 1-3pm, Monday – Friday.

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MAYOR SERAFINO J. NOLLETTI

NOTICE OF PUBLIC HEARING

September 26th, 2019

**Department of Environmental Protection
West Virginia Department of Environmental Protection
Austin Caperton
601 57th Street SE
Charleston, WV 25304**

Dear Secretary Caperton,

Notice is hereby given that a Public Hearing will be held at the Regular Meeting of the City Council of Logan on November 12th 2019 at 4pm in the City of Logan Building on the Home Rule Ordinance authorizing the submission of the City's Home Rule Plan to the West Virginia Municipal Home Rule Board. Interested parties may appear at the meeting and be heard on the City's proposed Home Rule Plan. A copy of the proposed Home Rule Plan may be inspected in the City Clerk's Office beginning October 13th, 2019 between the hours of 1-3pm, Monday – Friday.

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Serafino J. Nolletti
Mayor
President of the WV Municipal League

HOME RULE PUBLIC HEARING SIGN IN SHEET

11-12-19

1. Ken Lee
2. Sergio D. Datta
3. Kevin Mason
4. Amber Miller
5. Donna Willis
6. Rydal E. Parth
7. Jeff Gallo
8. Anna Butcher
9. [Signature]
10. Howard Jensen
11. P. D. Chen
12. Kara Lesto
13. Dylan Vidovich
14. James Vance
15. Stephanie Sun
- 16.
- 17.
- 18.
- 19.
- 20.

From:

4

FAX TRANSMISSION

LARRY COFFINDAFFER
LOGAN COUNTY COURTHOUSE
Room 304
LOGAN, WV 25601
(304) 792-8573
Fax: (304) 792-9402

To: Amber

Date: 11/13/19

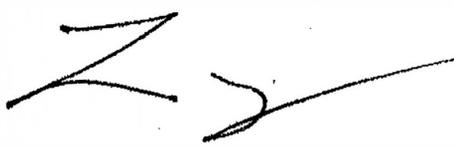
Fax #: 304-752-9314

Pages:

From: LARRY COFFINDAFFER

Subject: Meeting 11/12/19 - Home Rule

COMMENTS:



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STATE OF WEST VIRGINIA
COUNTY OF LOGAN, to-wit:

I, **LARRY K. COFFINDAFFER, REPORTER**, do hereby
certify that the foregoing is a true and correct
record of the proceedings held at the time and place
set forth and for the purpose specified in the action
herein captioned as prepared by me to the best of my
skills and ability.

Given under my hand this 13th day of
November, 2019.



LARRY K. COFFINDAFFER

Reporter

CRIP

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IN THE MATTER OF:

**SPECIAL PUBLIC MEETING FOR THE CITY OF LOGAN,
WEST VIRGINIA REGARDING HOME RULE ORDINANCE
PROPOSAL.**

THIS MATTER came on for public hearing on this
the 12th day of NOVEMBER, 2019 at about the hour of
4:00 p.m., in council chambers, before City Council,
City of Logan, West Virginia.

APPEARANCES:

- SERAFINO J. NOLLETTI, Mayor
- HOWARD JEMERSON, Councilman
- BASIL KEN LEE, Councilman
- DONSIL JAY MULLINS, Councilman
- DONNA WILLIS, Councilwoman

- KENDAL PARTLOW, City Attorney
- AMBER MILLER-VIARS, City Clerk
- STEPHANIE AVIS, Assistant City Clerk
- JEFF VALLET, City Accountant

Larry K. Coffindaffer

CERTIFIED REPORTER
SEVENTH JUDICIAL CIRCUIT OF WEST VIRGINIA
LOGAN, WEST VIRGINIA 25601

PHONE: 304-792-8573
CHARLESTON: 304-792-2630

1 (APPEARANCES CONT'D)

2 P.D. CLEMENS, Police Chief

3 KEVIN MARCUM, Street Commissioner

4 ANNA BUTCHER, Committee Person.

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P R O C E E D I N G S

(IN OPEN SESSION)

4:00 P.M.

AND THEREUPON

MAYOR NOLLETTI: It is 4:02 and I hereby call the hearing to order. Anyone present wanting to speak?

VOICE FROM THE REAR: I live here and I am for it.

MAYOR NOLLETTI: Let's wait a little while and see if anyone shows up.

(Brief Recess at 4:04 p.m.)

(Reconvened at 4:11 p.m.)

MAYOR NOLLETTI: It is 4:11 and I guess we can close the public hearing.

COUNCILWOMAN WILLIS: I make a Motion.

COUNCILMAN LEE: I second.

MAYOR NOLLETTI: All in favor?

(Vote Unanimous)

MAYOR NOLLETTI: The Public Hearing is now closed.

1 Now let's go down to the opening of the Regular
2 Meeting. We are going to switch around a little bit
3 and go down to Item 3, Second and Final Reading to
4 Amend the Current B&O Rates to Reflect Those of Home
5 Rule.

6 MS. MILLER-VIARS: I'm going to go really
7 slow and not be distracted or let anything get me off
8 path.

9 The Second and Final Reading to Amend the Current
10 B&O Rates to Reflect Those of Home Rule. These will
11 be on a separate sheet for this reason.

12 The Second Reading will reflect the limit does
13 not go into effect until July 1, 2020. Everything is
14 the same, we are eliminating the Gross Sales Value
15 Manufactured Products Entirely.

16 We are eliminating tax on Manufacturing, hoping
17 and praying we can bringing in some of those type of
18 places to the City of Logan.

19 The Gross Income of Wholesalers goes from .14
20 to .07, reducing it in half.

21 Services and All other Business goes from .90
22 to .87.

23 The Ordinance shall become effective upon passage
24 after the Second Reading and Public Hearing, which we

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SEVENTH JUDICIAL CIRCUIT OF WEST VIRGINIA
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1 are doing today. That will go into effect July 1,
2 2020.

3 Now if we go to our hearing on the 10th and they
4 accept us to start January 1st then we will Amend this
5 and do a First and Second Reading on the line of our
6 Sales Tax Ordinance. We can tackle that before the
7 1st of the year.

8 MAYOR NOLLETTI: Any questions?

9 (NO AFFIRMATIVE RESPONSE)

10 MAYOR NOLLETTI: We need a Motion.

11 COUNCILMAN LEE: I make a Motion.

12 COUNCILWOMAN WILLIS: I second.

13 MAYOR NOLLETTI: All right then.

14 Are we ready to move down to Item 4, Second and
15 Final Reading of the West Virginia State Tax Municipal
16 Use & Sales Tax Ordinance for Cities with Authority
17 under West Virginia Code 8-1-5?

18 MS. MILLER-VIARS: Okay. This is on the
19 Second and Final Reading for this Ordinance. We are
20 going to move this. This was supposed to be the
21 second meeting but this goes into effect after
22 November 20th.

23 This Ordinance is after we become an Authorized
24 Home Rule Municipality. After they complained in the

Larry K. Coffindaffer

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SEVENTH JUDICIAL CIRCUIT OF WEST VIRGINIA
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1 public hearing part, this is the second. There are
2 two phases. Once we go through what we are going
3 through now we get this phase next. I just about had
4 a small heart attack with Anna when I saw the Home
5 Rule Checklist. I was like, Checklist? How is a
6 Checklist so I got on the phone with the League and
7 got everything in order and we were right, didn't do
8 anything wrong.

9 This does not have to be completed until after we
10 submit to the Home Rule Board.

11 I have the Legal ready for the newspaper and we
12 will be 30 days until the second reading of Taxes on
13 December 19th. The first reading of this Ordinance in
14 its completed form. I can't say enough about Anna.

15 There is a part of this where you have to be very
16 organized and make sure you are on task with the
17 postmaster everyday and that count of thing, to be
18 able to get your ducks in a row.

19 She has really handled that part. She said that
20 her fingers were hurting from entering so many postal
21 codes. Our Ordinance is complete because we have the
22 Home Rule Base, all of our information is together and
23 our Ordinance is in its completed form.

24 What we have to do before you have your First

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1 official reading, the part we kind of missed was, you
2 have to submit the Ordinance to the Tax Department for
3 approval and changes. So it sort of worked out. We h
4 ad to have that completed before the First reading
5 because we are doing it the way we are doing it. And,
6 because we don't do that until after the Home Rule
7 Municipality says we are okay. It is like two phases.

8 I know that this is hard to grasp if you don't
9 live it everyday but it is in two phases. The First
10 part we are Golden. Now we have to maneuver the
11 Second phase which is the Tax part. We have our hands
12 around it. Bless Anna's heart. The things that I
13 have said, the worry I have gone through. But this is
14 big. I was afraid if we did something it would mess
15 it up but thank God it didn't. It is a blessing in
16 disguise.

17 The Second and Final Reading of the West Virginia
18 State Tax Municipal Use and Sales Tax Ordinance for
19 Cities will be moved to December 10th.

20 The First reading will be December 10th at our
21 Regular Meeting.

22 The Second reading will be at a Special Meeting
23 on December 19th.

24 MR. PARTLOW: We have the 30-days time

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PHONE: 304-792-8573
CHARLESTON: 304-792-2980

1 between where we are now and then. The Second and
2 Final Reading is moved and there will be no votes on
3 that.

4 MS. MILLER-VIARS: No vote is needed.

5 MAYOR NOLLETTI: Let's go to Item 5. The
6 Final Review of Home Rule Application Checklist. Do
7 this one more time.

8 MS. MILLER-VIARS: This is sort of like I
9 told you. It is good to have two sets of eyes and
10 ears on that stuff.

11 The last two Legal Advertising of a Public
12 Hearing. Here is the document all signed off on by
13 the Banner. The costs, dates that it ran. I hi-lited
14 where it was placed in the Banner and all Certified.
15 So we are good to go on that.

16 The Public Hearing was ran in its entirety
17 authorizing not only -- not only a Notice of Public
18 Hearing but also it gave information about Authorizing
19 an Ordinance for the City of Logan to submit an
20 Application to the Municipal Home Rule Board. So
21 there is that.

22 The second is all Department Secretary's had to
23 receive a letter stating that we were having a Public
24 Hearing today with a Copy of the Ordinance made

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1 available to them and to the public for public
2 inspection.

3 Secretary Caperton, Secretary Crouch, Secretary
4 Davis, Secretary Gaunch, Secretary Hardy, Secretary
5 McVey and Secretary Sandy were all sent notices prior
6 to September 26, 2019 stating that we had a public
7 hearing tonight. I had a phone call from three that
8 needed a copy of the Ordinance to review. Those were
9 submitted electronically via email to them.

10 That is what these people are. They are Cabinet
11 Secretary's in the State Department for the State of
12 West Virginia. That was done. This is part of the
13 Checklist, the Plan had to be available for public
14 inspection 30 days prior to the public hearing.

15 The copies were available in our office for
16 public inspection and was included in the public
17 hearing. The minutes of the hearing will be taken
18 care of tonight after the hearing and that is the
19 reason Larry Coffindaffer is here, to make sure the
20 meeting is recorded in its entirety and transcribed by
21 a professional court reporter.

22 The next is our Plan or Amendment which is next
23 on the Application and you have a copy of that, the
24 First reading was October 3rd at the Board Meeting at

Larry K. Coffindaffer

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1 the Lodge. We have copies of that. The Second
2 reading of course is tonight.

3 The next is required Minutes of the separate
4 proposal. What that is is when you -- tomorrow after
5 all of this is completed and done I have to submit an
6 electronic copy of everything in front of me here to
7 the Home Rule Board prior to our hearing.

8 So tomorrow after we finish I will put in one
9 document and you will have to have the Home Rule Plan
10 and Amendment template attached to each one of those.
11 That is what that is.

12 I want to brag on everyone, it is not just me.
13 I'm the crazy one. We had to make sure it was in one
14 place and we have Affidavit, Legal Notice, Public
15 Hearings. Like I said the Minutes of the Public
16 Hearing and any Comments, Certified Copy of the
17 Ordinance Authorizing the tenure of Amendments you are
18 getting ready to pass if you think that should happen.

19 If you remember in the Workshop we did with this
20 they went through and we together decided the
21 reduction of B&O where we would make cuts because
22 those of you who do not know, legally by State Code
23 there has to be some elimination or reduction in the
24 current B&O in order to implement a 1 percent Sale Tax

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SEVENTH JUDICIAL CIRCUIT OF WEST VIRGINIA
LOGAN, WEST VIRGINIA 25801

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CHARLESTON: 304-792-2630

1 and that is actually friendly t retailers. Retailers
2 don't have any tax that is a benefit to them.

3 Other people come into the municipalities and
4 give them money and things like that and we are
5 getting the benefits from it being spent inside our
6 zip code. This statement demonstrated to the
7 municipalities ability and Jeff did all that, and did
8 it all in a hurry. He has pulled some numbers
9 together and has provided an Affidavit.

10 The Municipality does not owe any outstanding
11 State Fees, he took care of that. I can show these
12 guys that. That was Jeff and not me. He took care of
13 that, him and Debbie. It is all Notarized, a
14 Statement In Good Standing with the West Virginia
15 State Tax Department, and we do not owe anything
16 outstanding.

17 Then we had to have an Attorney Opinion Letter
18 with the Application and Plan in compliance with
19 applicable State Law. Kent Osborne filed a Draft of
20 that and that will be submitted after our meeting
21 tonight. Everything was done by the book and that has
22 been completed.

23 Last but not least is after this is all finished
24 and we go before the Home Rule Board, we have to send

Larry K. Coffindaffer

CERTIFIED REPORTER
SEVENTH JUDICIAL CIRCUIT OF WEST VIRGINIA
LOGAN, WEST VIRGINIA 25601

PHONE: 304-792-8573
CHARLESTON: 304-792-2630

1 in 8 originals and 1 electronic copy. That has to be
2 submitted tomorrow to the Municipal Home Rule Board
3 and that is it. We have done that part.

4 So all of those things had to be done by the
5 book, by State Code. We had to have every "t" crossed
6 and every "i" dotted and I feel like we are very lucky
7 because I feel like I have a Council that is on board
8 and supports anything that we do. I think that you
9 all saw at the Workshop how important it was to do
10 this. You never closed down but kind of said, let's
11 go forward. Anna helped, and all the others have
12 helped and we have been able to do it. It was a true
13 labor of love. I thank you all for that. So
14 everything is done, you guys, and let's hope on the
15 20th we can get what we deserve. We deserve it.

16 MAYOR NOLLETTI: Now we are on No. 6,
17 Second and Final Reading of an Ordinance pursuant to
18 the provisions of the West Virginia Code 8-1-5,
19 authorizing the City of Logan to submit a Written Home
20 Rule proposal to the Municipal Home Rule Board in
21 order to permit participation by the City of Logan in
22 the Municipal Home Rule Program.

23 MS. MILLER-VIARS: It has been read in its
24 entirety at its First reading and there have been no

Larry K. Coffindaffer

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SEVENTH JUDICIAL CIRCUIT OF WEST VIRGINIA
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1 changes. So now it is up to you guys to do your part.

2 (MOTION made and seconded and carried
3 unanimously.)

4 MS. MILLER-VIARS: We have everything
5 together and everything is signed. The last thing we
6 have to prepare are the minutes and put them in
7 electronically tomorrow. So we did it.

8 (WHEREUPON, there being nothing further to be
9 done in the matter at this time, the hearing was
10 concluded.)

11 The End

12

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Mayor, Serafino J. Nolletti
 Councilman, Howard Jemerson
 Councilman, Basil Ken Lee
 Councilman, Donsil Jay Mullins
 Councilwoman, Donna Willis
 Councilman, Josh Keno Muncy
 City Attorney, Kendal Partlow
 City Clerk, Amber Miller-Viars

Fire Chief, Scott Beckett
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 Street Commission, Kevin Marcum
 Sanitary Board, Herbert Staten
 Code Enforcement, Scott Beckett
 Assistant City Clerk, Stephanie Avis
 Water Board, Carol Conley
 City Accountant, Jeff Vallet

SPECIAL CITY COUNCIL MEETING
HOME RULE PUBLIC HEARING
Tuesday November 12th, 2019 at 4pm

Mayor, Serafino Nolletti
 Councilman, Howard Jemerson
 Councilman, Basil Ken Lee
 Councilman, Donsil Jay Mullins
 Councilwoman, Donna Willis
 Councilman, Josh Keno Muncy
 Attorney, Kendal Partlow
 City Clerk, Amber Miller-Viars
 Asst. City Clerk, Stephanie Avis

Sanitary Board, Herbert Staten
 Police Chief, PD Clemens
 Fire Chief, Scott Beckett
 Water Dept. Manager, Dorothy Mahaffey
 Street Commissioner, Kevin Marcum
 Accountant, Jeff Vallet
 News Editor, The Logan Banner
 News, WVOW Radio
 Code Enforcement, Scott Beckett

Sanitary Board Member, David Stillwell
 Sanitary Board Board Member, BJ Picklesimer
 Sanitary Board Attorney, Wyatt Hanna
 Dunn Engineers

The City of Logan will hold a official public hearing City Council Chambers in said City on the 12th of November, 2019 beginning at 4pm.

The following item will be heard:

1. Public Hearing of the City of Logan Home Rule Ordinance authorizing the submission of the City of Logan's Application of their Home Rule Plan to the West Virginia Municipal Home Rule Board.

The public is invited to attend the meeting.
 Sincerely,

Serafino J. Nolletti, Mayor



Mayor, Serafino J. Nolletti
 Councilman, Howard Jemerson
 Councilman, Basil Ken Lee
 Councilman, Donsil Jay Mullins
 Councilwoman, Donna Willis
 Councilman, Josh Keno Muncy
 City Attorney, Kendal Partlow
 City Clerk, Amber Miller-Viars

Fire Chief, Scott Beckett
 Police Chief, PD Clemens
 Street Commission, Kevin Marcum
 Sanitary Board, Herbert Staten
 Code Enforcement, Scott Beckett
 Assistant City Clerk, Stephanie Avis
 Water Board, Carol Conley
 City Accountant, Jeff Vallet

REGULAR CITY COUNCIL MEETING – HOME RULE

Tuesday November 12th, 2019 - 4PM

Mayor, Serafino Nolletti
 Councilman, Howard Jemerson
 Councilman, Basil Ken Lee
 Councilman, Donsil Jay Mullins
 Councilwoman, Donna Willis
 Councilman, Josh Keno Muncy
 Attorney, Kendal Partlow
 City Clerk, Amber Miller-Viars
 Asst. City Clerk, Stephanie Avls

Sanitary Board, Herbert Staten
 Police Chief, PD Clemens
 Fire Chief, Scott Beckett
 Water Dept. Manager, Dorothy Mahaffey
 Street Commissioner, Kevin Marcum
 Accountant, Jeff Vallet
 News Editor, The Logan Banner
 News, WVOW Radio
 Code Enforcement, Scott Beckett

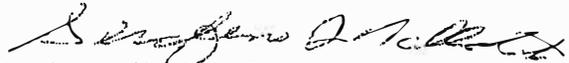
Sanitary Board Member, David Stillwell
 Sanitary Board Board Member, BJ Picklesimer
 Sanitary Board Attorney, Wyatt Hanna
 Dunn Engineers

The City Council will meet in the City Council Chambers in said City on the 12th of November, 2019

The following items are on the agenda:

1. Resolution regarding release of claims against the WV Department of Transportation Division of Highways regarding location of water lines.
2. Christian Heritage Week Proclamation
- 3. Second & Final Reading to Amend the Current B&O Rates To Reflect Those of Home Rule.
- 4. Second & Final Reading of the WV State Tax Municipal Use & Sales Tax Ordinance for Cities with Authority Under WV Code 8-1-5
- 5. Final Review of Home Rule Application Checklist
- 6. Second & Final Reading of an Ordinance pursuant to the provisions of the W.Va. Code 8-1-5, authorizing the City of Logan to submit a written Home Rule proposal to the Municipal Home Rule Board in order to permit participation by the City of Logan in the Municipal Home Rule Program.
7. Crowning of Miss Christmas Festival
8. Sayer Brothers Building Collapse
9. November/December Special Event dates
10. Drawdown for Police & Fire Pension
11. Update on FEMA
12. Senior Living Veteran Center
13. Safety Committee/Code Enforcement/Flood Plain
14. Logan Main Street Sidewalks 2015 Transportation Alternatives Project.
15. Report of Department Heads
16. Personnel Matters
17. Acquisition of Supplies, Materials, Equipment and Services.
18. Petitions and Communications.
19. Matters incidental or in connection with above listed items.

The public is invited to attend the meeting.
 Sincerely,


 Serafino J. Nolletti, Mayor

*Mayor, Serafino J. Nolletti
Councilman, Howard Jemerson
Councilman, Basil Ken Lee
Councilman, Donsil Jay Mullins
Councilwoman, Donna Willis
Councilman, Josh Keno Muncy
City Attorney, Kendal Partlow
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219 Dingess Street Logan, WV 25601 ~ Phone: (304) 752-4044

MAYOR SERAFINO J. NOLLETTI

HOME RULE APPLICATION

1. Impose a 1% Sales Tax and Reduce or Eliminate Selected Business and Occupation Tax Categories

Issue Category: Tax

The City of Logan seeks to restructure its business tax structure, reducing and eliminating some classes of the Business and Occupation Tax and instituting a 1% sales tax in order to increase revenues for public safety operations. This new business tax structure will be fairer and more standardized, and similar to those in adjacent communities in neighboring states.

Specific Legal Barrier

9-13C-4

Problem caused by Legal Barrier

The City of Logan has a very small residential tax base and yet, being a town on a busy highway, provides service to a much larger population including the neighboring state of Kentucky and we also house the Fountainplace Mall that attracts residents from all different areas in Southern, WV. Presently, the City is only able to generate revenue via taxation by imposing a municipal business (B&O) tax or by imposing a sales tax; WV State Code requires that the two taxes be mutually exclusive. WV Code 8-13C-1 et seq. contemplates the imposition of a sales tax by municipalities either for pension relief or as an "alternative municipal sales tax" at a rate not to exceed one percent. However, a municipality may only impose such a sales tax if it completely eliminates its B&O tax. WV Code 8-13C-4(b).

Proposed Solution

The City of Logan proposes to impose a municipal sales tax of up to 1% on all taxable sales under the West Virginia Code within the City. At the same time, it will eliminate B&O tax on selected categories – primarily retailers and restaurants – that would be subject to the sales tax. The increase in annual revenue based on this plan would be \$980,000.00. (see Section III-D: Fiscal Impact Worksheets and Formulas).

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 Councilwoman, Donna Willis
 Councilman, Josh Keno Muncy
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 City Clerk, Amber Miller*



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219 Dingess Street Logan, WV 25601 ~ Phone: (304) 752-4044

MAYOR SERAFINO J. NOLLETTI

HOME RULE ORDINANCE

An Ordinance pursuant to the provisions of the W.Va. Code 8-1-5a, authorizing the City of Logan to submit a written Home Rule proposal to the Municipal Home Rule Board in order to permit participation by the City of Logan in the Municipal Home Rule Program.

AUTHORIZATION TO SUBMIT A WRITTEN HOME RULE PROPOSAL

WHEREAS, in 2007, the West Virginia Legislature enacted WV Code 8-1-5a, known as the Municipal Home Rule Pilot Program; and

WHEREAS, in 2019, the Municipal Home Rule Pilot Program was made a permanent program, with provisions to add four Class IV municipalities to the program each year; and

WHEREAS, the participation in the Home Rule Program by The City of Logan, a Class IV municipality, would give the City unique flexibility to apply local solutions to local problems, benefitting the greater community, including residents, visitors and businesses.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF LOGAN THAT the Mayor is hereby authorized and directed to submit a Home Rule proposal to the Municipal Home Rule Board on November 13th, 2019, in accordance with WV Code 8-1-5a in order for the City of Logan to be considered for inclusion in the program as a Class IV municipality during the Fiscal Year 2019-2020.

This Ordinance shall become effective upon passage after second reading and public hearing.

Passed on first reading, October 4th, 2019.

FIRST READING	FOR	AGAINST	ABSTAIN	ABSENT
Councilman Josh Muncy				
Councilwoman Donna Willis				
Councilman Jay Mullins				
Councilman Ken Lee				
Councilman Howard Jemerson				

Passed on second reading and public hearing, November 12th, 2019

SECOND READING	FOR	AGAINST	ABSTAIN	ABSENT
Councilman Josh Muncy				
Councilwoman Donna Willis				
Councilman Jay Mullins				
Councilman Ken Lee				
Councilman Howard Jemerson				

The undersigned Mayor of the City of Logan does hereby certify that the foregoing amendment was adopted by the majority of Council on the first reading on October 4th, 2019 and upon the second reading and public hearing on November 12th, 2019.

Serafino J. Nolletti
 Mayor of Logan

Amber Miller
 City Clerk/Preparer of Home Rule Ordinance & Application

Kendal Partlow
 City of Logan Attorney

Increased revenues would go to provide key municipal services, including but not limited to:

- City of Logan Fire and Police Pension funding.
- City of Logan infrastructure development and demolition of abandoned structures deemed unsafe; and
- City of Logan matching grants program to enhance the City of Logan as a whole on various projects that require a partial match, which the City cannot afford out of current operational funds; and
- City of Logan Fairs, Festivals and Tourism events; and
- Growth and financial security for the City of Logan employees to aide in earned raises and funding of Health Insurance.

The vast majority of WV municipalities accepted into the Home Rule Program have proposed this business tax restructuring in one form or another, and it appears to be meeting with widespread acceptance and success.

D. Fiscal Impact Worksheets and Formulas

Issue 1: New Sales Tax and Business and Occupation Tax Restructuring

Prepared by City Accountant Jeff Vallet using samples of our largest vendors.

Business Taxes Collected by Business, using samples of our largest vendors and our 2018 FY Estimates. Four must be eliminated by State Code.

In the proposed Home Rule Plan for the City of Logan, Business and Occupation (B&O) would be eliminated:

- *Completely eliminated in manufacturing. We feel by eliminating the manufacturing tax, we will be in the position to attract industry to our area and create much needed opportunities for employment.*
- *A reduction in Retailers and Restaurants (from .45 to .43) creating a \$15,400.00, drop in revenue based on our samples. We feel that by reducing this tax, we are giving our valued businesses room to grow, hire expand, market and allow additional revenue for them to engage employment.*
- *A reduction in Wholesalers (from .14 to .07) creating a \$3,200.00 drop in revenue, based on our samples. We feel that by giving wholesalers a reduction, we are allowing a wider range of selection for our businesses to distribute more desired products – therefore, creating a larger market.*
- *A reduction in Services and All Other Business (.90 to .87) creating a \$4,500.00 drop in revenue, based on our samples. This overall reduction will help so many of our independent contractors and independent business people, such as beauticians and independent contractors – which are some of our hardest working and most valued people a reduction to grow and maintain their services and be able to expand their business.*

An additional 1% Sales and Use Tax would be implemented on those categories currently affected by the 6% WVa. State Sales and Use Tax. NOTE: Estimates below are based on samples from our largest vendors and 2018 FY Estimates.

A total of \$24,000.00 drop in revenue.



Mayor, *Serafino J. Nolletti*
 Councilman, *Howard Jemerson*
 Councilman, *Basil Ken Lee*
 Councilman, *Donsil Jay Mullins*
 Councilwoman, *Donna Willis*
 Councilman, *Josh Keno Muncy*
 City Attorney, *Kendal Partlow*
 City Clerk, *Amber Miller-Vlars*

Fire Chief, *Scott Beckett*
 Police Chief, *PD Clemens*
 Street Commission, *Kevin Marcum*
 Sanitary Board, *Herbert Staten*
 Code Enforcement, *Scott Beckett*
 Assistant City Clerk, *Stephanie Avis*
 Water Board, *Carol Conley*
 City Accountant, *Jeff Vallet*

SECOND READING OF AMENDMENT TO THE CITY OF LOGAN CITY CODE, B&O TAX RATES SECTION 14

AMENDMENT TO THE LOGAN CITY CODE SECTION 14 CONCERNING GROSS SALES VALUE OF MANUFACTURED PRODUCTS, GROSS INCOME OF WHOLESALERS, SERVICE & ALLOTHER BUSINESS GROSS INCOME TO REFLECT PERCENTAGE CHANGES TO ALIGN WITH HOME RULE SALES TAX REDUCTION AND IMPLEMENTATION
 THIS SECOND READING WILL REFLECT THAT THIS AMENDMENT DOES NOT GO INTO EFFECT UNTIL JULY 1, 2020.

1. Eliminating the Gross Sales Value Manufactured Products Entirely.
2. Gross Income Of Wholesalers from .14 to .07, reducing it in half.
3. Service and All Other Business from .90 to .87

This Ordinance shall become effective upon passage after second reading and public hearing and go into effect July 1, 2020.

Passed on second reading, November 12th, 2019

SECOND READING	FOR	AGAINST	ABSTAIN	ABSENT
Councilman Josh Muncy				
Councilwoman Donna Willis				
Councilman Jay Mullins				
Councilman Ken Lee				
Councilman Howard Jemerson				

The undersigned Mayor of the City of Logan does hereby certify that the foregoing amendment was adopted by the majority of Council on the first reading on November 4th, 2019 and upon the second reading and public hearing on November 12th, 2019.

Serafino J. Nolletti
 Mayor of Logan

Amber Miller
 City Clerk/Preparer of Home Rule Ordinance & Application

Kendal Partlow
 City of Logan Attorney

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Councilwoman, Donna Willis
Councilman, Josh Keno Muncy
City Attorney, Kendal Partlow
City Clerk, Amber Miller*



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City Accountant, Jeff Vallet*

219 Dingess Street Logan, WV 25601 ~ Phone: (304) 752-4844

MAYOR SERAFINO J. NOLLETTI

NOTICE OF PUBLIC HEARING

September 26th, 2019

**Department of Environmental Protection
West Virginia Department of Environmental Protection
Austin Caperton
601 57th Street SE
Charleston, WV 25304**

Dear Secretary Caperton,

Notice is hereby given that a Public Hearing will be held at the Regular Meeting of the City Council of Logan on November 12th 2019 at 4pm in the City of Logan Building on the Home Rule Ordinance authorizing the submission of the City's Home Rule Plan to the West Virginia Municipal Home Rule Board. Interested parties may appear at the meeting and be heard on the City's proposed Home Rule Plan. A copy of the proposed Home Rule Plan may be inspected in the City Clerk's Office beginning October 13th, 2019 between the hours of 1-3pm, Monday – Friday.

Legal Code for published advertisement in the legal section of the Logan Banner is:
LH79975/10-2,9, 16-19

Thank you for your dedication to the State of West Virginia and your commitment to stronger cities and towns for our state.

Sincerely,

**Serafino J. Nolletti
Mayor
President of the WV Municipal League**

*Mayor, Serafino J. Nolletti
Councilman, Howard Jemerson
Councilman, Basil Ken Lee
Councilman, Donsil Jay Mullins
Councilwoman, Donna Wills
Councilman, Josh Keno Muncy
City Attorney, Kendal Partlow
City Clerk, Amber Miller*



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219 Dingess Street Logan, WV 25601 ~ Phone: (304) 752-4044

MAYOR SERAFINO J. NOLLETTI

NOTICE OF PUBLIC HEARING

September 26th, 2019

**Department of Health and Human Resources
West Virginia Department of Health and Human Resources
Bill J. Crouch, Secretary
One Davis Square, Suite 100 East
Charleston, WV 25301**

Dear Secretary Crouch,

Notice is hereby given that a Public Hearing will be held at the Regular Meeting of the City Council of Logan on November 12th 2019 at 4pm in the City of Logan Building on the Home Rule Ordinance authorizing the submission of the City's Home Rule Plan to the West Virginia Municipal Home Rule Board. Interested parties may appear at the meeting and be heard on the City's proposed Home Rule Plan. A copy of the proposed Home Rule Plan may be inspected in the City Clerk's Office beginning October 13th, 2019 between the hours of 1-3pm, Monday – Friday.

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Sincerely,

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President of the WV Municipal League

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 Councilwoman, Donna Willis
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219 Dingess Street Logan, WV 25601 ~ Phone: (304) 752-4044

MAYOR SERAFINO J. NOLLETTI

NOTICE OF PUBLIC HEARING

September 26th, 2019

**Department of Veterans Assistance
 West Virginia Department of Veterans Assistance
 Dennis Davis, Secretary
 1900 Kanawha Blvd East
 Building 5, Room 205
 Charleston, WV 25305**

Dear Secretary Davis,

Notice is hereby given that a Public Hearing will be held at the Regular Meeting of the City Council of Logan on November 12th 2019 at 4pm in the City of Logan Building on the Home Rule Ordinance authorizing the submission of the City's Home Rule Plan to the West Virginia Municipal Home Rule Board. Interested parties may appear at the meeting and be heard on the City's proposed Home Rule Plan. A copy of the proposed Home Rule Plan may be inspected in the City Clerk's Office beginning October 13th, 2019 between the hours of 1-3pm, Monday – Friday.

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Sincerely,

Serafino J. Nolletti
 Mayor
 President of the WV Municipal League

*Mayor, Serafino J. Nolletti
Councilman, Howard Jemerson
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Councilman, Donsil Jay Mullins
Councilwoman, Donna Willis
Councilman, Josh Keno Muncy
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City Clerk, Amber Miller*



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City Accountant, Jeff Vallet*

219 Dingess Street Logan, WV 25601 ~ Phone: (304) 752-4044

MAYOR SERAFINO J. NOLLETTI

NOTICE OF PUBLIC HEARING

September 26th, 2019

**Department of Commerce
West Virginia Department of Commerce
C. Edward Gaunch, Secretary
1900 Kanawha Blvd East
Building 3, Suite 600
Charleston, WV 25305**

Dear Secretary Gaunch,

Notice is hereby given that a Public Hearing will be held at the Regular Meeting of the City Council of Logan on November 12th 2019 at 4pm in the City of Logan Building on the Home Rule Ordinance authorizing the submission of the City's Home Rule Plan to the West Virginia Municipal Home Rule Board. Interested parties may appear at the meeting and be heard on the City's proposed Home Rule Plan. A copy of the proposed Home Rule Plan may be inspected in the City Clerk's Office beginning October 13th, 2019 between the hours of 1-3pm, Monday – Friday.

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Thank you for your dedication to the State of West Virginia and your commitment to stronger cities and towns for our state.

Sincerely,

**Serafino J. Nolletti
Mayor
President of the WV Municipal League**

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219 Dingess Street Logan, WV 25601 ~ Phone: (304) 752-4044

MAYOR SERAFINO J. NOLLETTI

NOTICE OF PUBLIC HEARING

September 26th, 2019

**Department of Revenue
Chairman of the Home Rule Board
Dave Hardy, Secretary
West Virginia Municipal Home Rule Board
1900 Kanawha Blvd East
Building 1, W-300
Charleston, WV 25305**

Dear Secretary Hardy,

Notice is hereby given that a Public Hearing will be held at the Regular Meeting of the City Council of Logan on November 12th 2019 at 4pm in the City of Logan Building on the Home Rule Ordinance authorizing the submission of the City's Home Rule Plan to the West Virginia Municipal Home Rule Board. Interested parties may appear at the meeting and be heard on the City's proposed Home Rule Plan. A copy of the proposed Home Rule Plan may be inspected in the City Clerk's Office beginning October 13th, 2019 between the hours of 1-3pm, Monday – Friday.

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Sincerely,

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Mayor
President of the WV Municipal League**

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219 Dingess Street Logan, WV 25601 ~ Phone: (304) 752-4044

MAYOR SERAFINO J. NOLLETTI

NOTICE OF PUBLIC HEARING

September 26th, 2019

**Department of Administration
West Virginia Department of Administration
Allan McVey, Secretary
1900 Kanawha Blvd East
Building 1, E-119
Charleston, WV 25305**

Dear Secretary McVey,

Notice is hereby given that a Public Hearing will be held at the Regular Meeting of the City Council of Logan on November 12th 2019 at 4pm in the City of Logan Building on the Home Rule Ordinance authorizing the submission of the City's Home Rule Plan to the West Virginia Municipal Home Rule Board. Interested parties may appear at the meeting and be heard on the City's proposed Home Rule Plan. A copy of the proposed Home Rule Plan may be inspected in the City Clerk's Office beginning October 13th, 2019 between the hours of 1-3pm, Monday – Friday.

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Sincerely,

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Mayor
President of the WV Municipal League**

*Mayor, Serafino J. Nolletti
Councilman, Howard Jemerson
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MAYOR SERAFINO J. NOLLETTI

NOTICE OF PUBLIC HEARING

September 26th, 2019

**Department of Military Affairs and Public Safety
West Virginia Department of Military Affairs and Public Safety
Jeff Sandy, Secretary
1900 Kanawha Blvd East
Building 1, W-400
Charleston, WV 25305**

Dear Secretary Sandy,

Notice is hereby given that a Public Hearing will be held at the Regular Meeting of the City Council of Logan on November 12th 2019 at 4pm in the City of Logan Building on the Home Rule Ordinance authorizing the submission of the City's Home Rule Plan to the West Virginia Municipal Home Rule Board. Interested parties may appear at the meeting and be heard on the City's proposed Home Rule Plan. A copy of the proposed Home Rule Plan may be inspected in the City Clerk's Office beginning October 13th, 2019 between the hours of 1-3pm, Monday -- Friday.

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Sincerely,

Serafino J. Nolletti
Mayor
President of the WV Municipal League

Nov 13, 2019 12:08:59 PM

Printed By: TCANTRELL from: CLOG

Received Time: 12:08:40 11-13-19 Source ORI: WVWSP0001
 Summary: RQ: LIC=2TF363 LIY=2019
 View Message Details

RESPONSE FOR /2TF363/
 NAM/NELSON, JUDITH
 ADR/PO BOX 301 DAVIN LOGA WV 25617
 LIC/2TF363 LIT/A WGT/ 3607 EXP/02/2020 VIN/1FADP5DU2HL100284
 VMA/FORD VMO/C-M VST/4H VYR/2017 TTL/EU83658 TDT/01/26/2018
 DSP/ 0122 VFL/HYBRID VSE/C-MAX TITANIUM
 STATUS/

IN LUDESS NBR 02482 AT 12:08 11/13/2019
 OUT CLOG NBR 00080 AT 12:08 11/13/2019 MRY 063581

Nov 13, 2019 12:11:35 PM

Printed By: TCANTRELL from: CLOG

Received Time: 12:11:31 11-13-19 Source ORI: WVDP90000
Summary: KQ: OLN=C349777

View Message Details

TXT

RESPONSE FOR C349777

NAM/NELSON JUDITH ELAINE
ADR/ PO BOX 301 DAVIN LOGAN WV 25617
SOC/232845436 RST/2 CORRECTIVE LENSES
SEX/F RACE/U WGT/125 HGT/5-02 EYE/BE DOB/07/20/51
LN/C349777 ISU/05/13/16 EXP/07/20/21 DONOR/U
LIC-TP/OPERATOR DOC-TP/RENEWAL LIC-BT/ VALID POINTS/00
CDL-ST/N/A CLS/E END/

NO CONVICTIONS FOR LAST 2 YRS OR ANY DUI CONVICTIONS

NO ACTIVE SUSPENSIONS/REVOCATIONS AND DUI SUSPENSIONS

IN DLP NBR 00564 AT 12:11 11/13/2019

OUT CLOG NBR 00090 AT 12:11 11/13/2019 MRI 064085



STATE OF WEST VIRGINIA
State Tax Department, Taxpayer Services Division
P.O. Box 885
Charleston, WV 25323-0885



Dale W. Steager, State Tax Commissioner

VALLET & ASSOCIATES AC
LOGAN CITY OF
PO BOX 927
LOGAN WV 25601-0927

Letter Id: L0054126528
Issued: 11/06/2019

West Virginia State Tax Department

Statement of Good Standing

EFFECTIVE DATE: November 6, 2019

A review of tax accounts indicates that LOGAN CITY OF is in good standing as of the effective date of this document. Please note, this Statement of Good Standing expires on **February 4, 2020**.

The issuance of this Statement of Good Standing shall not bar any audits, investigations, assessments, refund or credits with respect to the taxpayer named above and is based only on a review of the tax returns and not on a physical audit of records.

Sincerely,

Nicole Grant, Tax Unit Supervisor
Taxpayer Services Division

Partlow Law Offices
27519 East Lynn Road
Wayne, WV 25570



Phone: (304) 688-1449
Fax: (304) 362-9829
kpartlowlawoffices@gmail.com

PARTLOW LAW OFFICES, PLLC

Kendal E. Partlow, Attorney at Law

November 13th, 2019

SENT VIA ELECTRONIC MAIL ONLY
TO SERAFINONOLLETTI@GMAIL.COM

The Hon. Serafino Nolletti
Mayor, City of Logan
219 Dingess Street
Logan, WV 25560

RE: Compliance with Home Rule Application

Dear Mayor Nolletti:

Please allow this correspondence to serve as the response of the undersigned regarding your request that I perform a review of the Home Rule Application the City of Logan, West Virginia, is making to ensure it is fully and legally compliant with any and all legal requirements.

After review of the Home Rule Application referenced above, the undersigned is of the opinion that upon information and belief, the said Application is fully legally compliant with the statutory requirements set forth in W.V. Code § 8-1-5(a) et seq. governing the request for Municipal Pilot Program.

Should you require any additional information and/or have any questions/concerns regarding the contents of this letter, please so advise.

Sincerely,
PARTLOW LAW OFFICES, PLLC

BY: Kendal E. Partlow, Esq.

cc: Amber Miller, Clerk for City of Logan (by email only)